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July 9, 2003

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Facsimile Transmission

2 pages including this page

TO:

Examiner Arun K. Chakrabarti

Fax No.: 703/746-4979 Tel No.: 703/306-5818

RE: U.S. Patent Application No. 09/709,785

COMPOSITIONS AND METHODS FOR DETERMINING INTERACTIONS OF MITOCHONDRIAL COMPONENTS, AND FOR IDENTIFYING AGENTS THAT ALTER SUCH INTERACTIONS

Our Reference: 660088.433C1

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PTO/88/26 (10-00)

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Docket Number (Optional) TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING 660088.433C1 REJECTION OVER A PRIOR PATENT In re Application of, Anne N. Murphy et al. Application No. 09/709,785 Filed: November 3, 2000 For COMPOSITIONS AND METHODS FOR DETERMINING INTERACTIONS OF MITOCHONDRIAL COMPONENTS, AND FOR IDENTIFYING AGENTS THAT ALTER SUCH INTERACTIONS The owner", MitoKor, Inc., of 100 percent interest in the Instant application hereby disclairs, except as provided below, the terminal part of the stability term of any patent granted on the instant application, which would extend beyond the expiration date of the full stability term defined in 35 U.S.C. 145 to 185 and 173, as presently shoftened by any terminal disclaimer, of prior Patent No. 8,553,265. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is blonding upon the grantee, its sucressors of assignment. In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the Instant application that would extend to the explication date of the full statutory term as defined in 36 U.S. - 154 to 159 and 17 of the prior patent, as presently shortened by any terminal disclaimer, in the worth falk falter explires for failure to pay a maintenance fee, is held unentroceable, is found invaled by a court of compatent jurisdiction, is statutorily disclaimed in whiled or terminally disclaimed under 37 CFR 1-32. The sail claims canceled by a recommission certification, as relassed of it is may manner to the control of the control o terminated prior to the expiration of its full statutory term as presently shortened by any terminal discialmen-Check either box 1 or 2 below if appropriate. 1. 🛛 For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization. hereby declare that all silverences made breath of my own knowledge are fush and that all statements made on information and belief are believed to be true; and further that these statements were mades with the knowledge that withing the statements and the like as made are punishable by fire of imprisonment, or both, under Section 1001 of 716a 18 of the United States Code and that such willful finite statements may popartize the valuity of the application or any patient insetted thereon. 2. IX The undersigned is an attorney or agent of record. July 9, 2003 Stephen J. Rosenman, Ph.D. Typed or printed name

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